



## U.S. Department of Justice

Executive Office for Immigration Review

*Office of the General Counsel*

---

5107 Leesburg Pike, Suite 2150  
Falls Church, Virginia 22041

August 30, 2019

Tanvi Misra  
MuckRock News  
DEPT MR 75329  
411A Highland Ave  
Somerville, MA 02144-2516

Re: FOIA 2019-37051

Dear Ms. Misra,

This letter is in response to your Freedom of Information Act (FOIA) request to the Executive Office for Immigration Review (EOIR) in which you seek data regarding the Migrant Protection Protocols.

The Department of Homeland Security, not EOIR, is responsible for in-processing and returning aliens to Mexico under the Migrant Protection Protocols, and to conduct initial "fear assessment" interviews. Therefore, EOIR does not track most of the data you have requested.

Data tracked in our CASE database is publically available on our website here under "EOIR CASE data": <https://www.justice.gov/eoir/frequently-requested-agency-records>. The data is updated monthly. Specifically, the data concerning aliens subject to the Migrant Protection Protocols may be found by sorting for those aliens with the "MP" code listed in the field "Case\_ID" in table A\_TableCaseIdentifier. The idncase is a unique identifier for each alien that may then be used to cross-reference the other tables.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. *See* <http://www.justice.gov/oip/foiapost/2012foiapost9.html>.

You may contact our FOIA Public Liaison at the telephone number 703-605-1297 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and

Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

*Joseph Schaaf*

Joseph R. Schaaf  
Senior Counsel for Administrative Law